

### **REMARKS**

Applicant thanks the Examiner for acknowledging and accepting the Information Disclosure Statement filed by the Applicant. In response to the Office Action, dated May 21, 2004, Applicant has modified the claims in this Amendment. Applicant respectfully requests reconsideration of the 35 U.S.C. §§ 102 and 103 rejections set forth by the Examiner. Applicant has amended the claims to more clearly define the invention. Applicant submits that the references of record whether considered alone or in combination fail to either teach or suggest Applicant's presently claimed invention.

Applicant has modified the claims to specify that the second media is inserted such that no content from the first broadcast stream is lost. Additionally, it has been modified to clarify that the second media is inserted based on priority indicators associated with the second media. This is advantageous because it provides an unobtrusive manner to insert other media into an existing live broadcast stream. As a result, none of the original content is lost and the viewing experience is greatly enhanced while maintaining the ability to quickly add other media such as, for example, an emergency notice. The present invention is far superior to the present systems which simply teach substitution of the original content by the new content or an interruption of the original broadcast such that portions of the original broadcast are lost for the duration of the other media insertion.

The references of record fail to teach or suggest these advances in the art. Hite et al., U.S. Patent No. 5,774,170, is directed to an advertising system which substitutes a commercial with another commercial from a plurality of available commercials based on a

commercial identifier (CID) code assigned to the commercials and the CID codes at a viewer's location based on the viewer's geographical location. See generally, Summary of the Invention, Col. 3-4. In Hite et al., commercials are analyzed according to their characteristics and appropriate CID codes. Col. 9, lines 42-50. These commercials are then transmitted to a viewer's location where the CID for the commercials are compared to consumer CID codes determined by which commercials are most appropriate for a viewer or group of viewers based on their geographical location. See Col. 10, lines 54-65. If a current commercial may be preempted, a commercial which contains the same CID code as at the consumer CID code at the consumer's location, the new commercial is substituted for the original commercial. This is simply different from the present invention where different content including live broadcasts and other programming are associated with priorities so that events or content comprising high priorities such as, for example, emergency notices may be quickly inserted in the middle of the original broadcast. Furthermore, Hite et al. simply does not disclose that the new media may be inserted without losing content from the original broadcast stream but rather teaches that one commercial may be substituted for another. Hence, Applicant respectfully requests that the §102 rejection set forth by the Examiner be withdrawn.

Handelman, U.S. Patent No. 5,414,773, is simply directed to a CATV system capable of including email. See generally Col. 1, lines 58-64. Handelman discloses a generator for generating email or facsimile messages, an interface unit at a user's location to receive and store information from the generator. See Col. 5, lines 15-27 and Col. 6, lines 24-30.

Furthermore, Handelman discloses that a user receives a message confirming the reception of new data which may be viewed by a user upon tuning the TV to an information display channel. See Col. 7, lines 1-7 and lines 43-57. If the communication of faxes or email occurs at the same time as the CATV data, the CATV data is transmitted first. See Col. 9, lines 55-59. However, for special non-CATV data, special priority codes are employed which are used with conventional telephonic data communications to transmit non-CATV data before the CTAV data. See Col. 9, lines 59-68. Handelman simply discloses stopping the transmission of one type of data while another type of data is transmitted. In fact, Handelman neither teaches nor suggests inserting a second media in a first broadcast stream in such a manner as to retain the entire content from the first broadcast stream. The present invention permits both the second media to be available to a viewer in the middle of the original content as well as the full original content of the first broadcast stream without any loss of viewing experience.

Additionally, Thurlow et al., U.S. Patent 5,796,394, is directed to an integrated personal communications routing system which provides one interface for all types of media. See Col. 2, lines 25-30. The system utilizes base stations and a single user interface device to manage voice mail, email, fax, and other types of messages from disparate devices. See Col. 2, lines 38-58. Thurlow et al. simply does not teach or suggest the use of priority indicators to insert a second media into a broadcast stream. The references of record fail to teach or suggest the advances set forth by the present invention.

Finally, Bullock et al., U.S. Patent No. 5,070,404, is directed to a system for contemporaneous delivery of print data from a first location to a user at a remote location. See Col. 1, lines 50-54. Bullock et al. teaches that print data is delivered to several users at remote locations, stored at the user's location, and printed or actuated upon receipt of a cue. See Col. 2, lines 34-68. However, Bullock either alone or in combination does not teach or suggest insertion of a second media in a broadcast stream. The references of record fail to teach or suggest the present invention.

Applicant respectfully requests that the rejections be withdrawn. Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,

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